

# Exhibit 1

23VECV00065

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

**VAN NUYS COURTHOUSE EAST**

CORY LENNON, an individual and MOLLIE  
FLANIGAN, an individual,

Plaintiffs,

v.

CITY OF LOS ANGELES, and DOES 1-50,  
inclusive,

Defendants

Case No.:

**COMPLAINT FOR DAMAGES**

1. Violation of 42 U.S.C §1983 (Fourth Amendment);
2. Violation of 42 U.S.C. §1983 (Fourteenth Amendment);
3. Violation of California Constitution Art. 1, §§7 and 13;

**REQUEST FOR JURY TRIAL**

COMPLAINT FOR DAMAGES

1

1 Plaintiffs, CORY LENNON and MOLLIE FLANIGAN, by and through their  
 2 undersigned counsel, bring this complaint for damages, alleging as follows against Defendant  
 3 City of Los Angeles (hereinafter "City"):

4 **I. JURISDICTION AND VENUE**

5 1. The Court has jurisdiction over this action pursuant to 42 U.S.C. §1983 and  
 6 California Constitution Article 6 §10.

7 2. This Court has jurisdiction over the Defendant, because they are residents and/or  
 8 conducting business in the State of California. This Court further has jurisdiction over Defendant  
 9 because the City of Los Angeles is liable for public employees and private contractors pursuant  
 10 to *California Government Code §815.2 and 815.4*.

11 3. Venue is proper in this Court pursuant to California Code of Civil Procedure  
 12 Sections 393 and 394 because Defendants are located in and/or conducting business in the City  
 13 of Los Angeles, California.

14 4. Plaintiffs are not required to allege compliance with government claims statutes  
 15 as those provisions are inoperative to a claim pursuant to *42 U.S.C. §1983*.

16 **II. PARTIES**

17 5. Plaintiffs are, and at all times mentioned herein, residing in the City of Los  
 18 Angeles, County of Los Angeles in the State of California.

19 6. Plaintiffs CORY LENNON (hereinafter "CORY") and MOLLIE FLANIGAN  
 20 (hereinafter "MOLLIE") are the owners of a dog named Ruby, who was shot by officers of the  
 21 Los Angeles Police Department (hereinafter "LAPD").

22 7. Defendant City of Los Angeles is a political subdivision of the State of California  
 23 duly organized and existing under the laws of the State of California. Defendant is liable for the  
 24 conduct of its personnel, including the Los Angeles Police Department.

25 8. Defendants DOES 1 to 100, inclusive, are sued herein under fictitious names.  
 26 Their true names and capacities are not currently known to Plaintiffs. When their true names  
 27 and capacities are ascertained, Plaintiffs will amend this complaint by inserting their true names  
 28 and capacities.

1           9.       Plaintiffs are informed and believe and herein allege that each of the fictitiously  
2 named defendants is responsible for the harm set forth herein and that Plaintiffs' damages as  
3 herein alleged were caused by those defendants.

4           **III.       FACTUAL BACKGROUND**

5           10.      On or about the afternoon of November 4, 2021, at about 2:30 p.m., Cory and  
6 Mollie were at home with their nine-month-old daughter, when they heard voices that sounded  
7 like they were coming from a radio of some kind, from the front of their house.

8           11.      Mollie, who was holding their baby at the time, went toward the front door to see  
9 what the source of the noise was.

10          12.      Cory was right behind Mollie as she approached the door, but got in front of her  
11 as she opened it.

12          13.      When Cory stepped out the door, he saw two (2) uniformed LAPD officers in the  
13 driveway of the family's house, a few feet from the front door.

14          14.      One of the officers had a loaded shotgun aimed directly at Ruby, who was in the  
15 driveway near the gate to the backyard of the house, approximately fifty (50) feet away from the  
16 street.

17          15.      Just as Cory was opening the door, the LAPD officer shot Ruby in the head, right  
18 between her eyes, with a beanbag round, from two (2) or three (3) feet away.

19          16.      One of the LAPD officers yelled at Mollie to go back in the house with the baby.

20          17.      Ruby had been in the backyard when the LAPD officers arrived and only came  
21 out onto the driveway after the officers repeatedly enticed her out.

22          18.      The LAPD officers were hunting Ruby from the street, trying to lure her out of  
23 the backyard so they could shoot her.

24          19.      In fact, one or both of the LAPD officers could be heard saying, "Come here" and  
25 whistling to Ruby to entice her out of the backyard as they advanced up the Plaintiffs' driveway.

26          20.      Ruby came out of the backyard and remained in the driveway, while the officers  
27 advanced approximately 45-50 feet up the driveway toward her.  
28

1           21. One LAPD officer had a night stick in his hand. The other had a loaded shotgun  
2 that he had pumped and ready to fire as soon as he exited the LAPD vehicle across the street  
3 from Plaintiffs' house, before entering Plaintiffs' property.

4           22. Ruby was not aggressive with the LAPD officers; her tail was wagging as they  
5 approached her with a loaded shotgun.

6           23. As the officers got closer to Ruby, she retreated and was near the front of  
7 Plaintiffs' residence when one of the LAPD officers shot her in the head.

8           24. When she was shot in the head, Ruby was between two vehicles and only a few  
9 feet from the gate to the backyard out of which she had been lured by the LAPD officers,  
10 whistling and calling to her.

11           25. One of the LAPD officers was heard calling his supervisor, *before* the officers  
12 entered Plaintiffs' property, because he knew he and/or his partner intended to shoot Ruby and  
13 that their supervisor would have to complete an incident report after the discharge of the shotgun.

14           26. Ruby immediately ran into the backyard after the LAPD officer shot her in her  
15 head, right between her eyes.

16           27. As Cory was stepping out the front door, one of the officers yelled at him, "Go  
17 secure your dog right now!" even though Ruby was already out of sight and in the backyard.

18           28. Cory and Mollie wanted to take Ruby to the veterinarian right away to treat her  
19 gunshot injury, but they were told that they could not because one of the officers had already  
20 called their supervisor and they had to wait for her to arrive.

21           29. Cory asked the LAPD officers to leave their property and wait for the supervisor  
22 from their vehicle or the sidewalk, but they refused to leave the property.

23           30. When Cory approached the officers, he exclaimed, "You shot my dog right  
24 between the eyes!"

25           31. The officer responded, "Aren't you glad it was with this and not this [gesturing  
26 to his handgun on his belt]?"

27           32. One of the LAPD officers told Cory that he should be thanking the officers  
28 because they shot Ruby with a shotgun rather than a handgun.

1           33.     Until their supervisor arrived, about 20-30 minutes later, the two officers stood  
2 in the driveway arguing with Cory and taunting him, making unprofessional, inflammatory, and  
3 childish comments.

4           34.     The LAPD officers repeatedly addressed Cory as “Bro”, while simultaneously  
5 provoking and antagonizing him.

6           35.     One of the officers repeatedly pointed to his handgun and told Cory he should be  
7 grateful that the officer didn’t shoot Ruby with the handgun.

8           36.     When Cory asked the officer if he would shoot a chihuahua with that gun, the  
9 officer responded, “No, because a chihuahua I can kick like a football.”

10          37.     The officer also repeatedly referred to Ruby as a “target” as if that somehow  
11 justified shooting her at her own home.

12          38.     One of the officers was heard saying that if Ruby had been in the street, he would  
13 have “blown her head off!”

14          39.     That was the same LAPD officer who told Cory that if he were visiting his  
15 friend’s house, and his friend’s dog showed its teeth, the officer would shoot his friend’s dog.

16          40.     At one point, one of the LAPD officers claimed that all he and his partner were  
17 trying to do was to go to the front door to let Cory and Mollie know their dog was “loose”.

18          41.     That claim is false, given that the officers made no attempt to communicate with  
19 Cory or Mollie until *after* they shot Ruby, despite the fact that the front windows of the house  
20 were open and they could have called out to anyone inside, but did not.

21          42.     In any event, Ruby was not “loose”. She was on the property of her owners from  
22 the time LAPD officers arrived until they left.

23          43.     The officer(s) admitted that Ruby had not attacked them or harmed them in any  
24 way and tried to justify shooting her telling Mollie, “*We don’t know what a dog is going to do...*”  
25 and again gesturing to his handgun, and telling Mollie she should be happy they did not shoot  
26 Ruby with that gun.

1           44. After arguing with Cory for about 20-30 minutes, before the LAPD supervisor  
2 arrived, one of the officers told Cory that they had received a call about a loose dog in the  
3 neighborhood.

4           45. LAPD officers did not respond to Plaintiffs' residence for over an hour after  
5 receiving that call.

6           46. Los Angeles Animal Services (hereinafter "LAAS") is the agency responsible for  
7 handling loose dogs and other animal related matters for the City of Los Angeles and should  
8 have been the agency to handle this situation.

9           47. LAPD officers inexplicably did not make any attempt to contact LAAS until  
10 hours after shooting Ruby, after 5:00 p.m.

11           48. Before LAPD officers arrived at Plaintiffs' home, Ruby had gone out of the yard  
12 and wandered down the street, but did not bite or attack anyone.

13           49. The person who called LAPD was parked and sitting in a black Chevy Tahoe,  
14 across the street from Plaintiffs' house for well over an hour before LAPD responded.

15           50. When the LAPD officers arrived on Plaintiffs' street, they spoke with the woman  
16 in the Tahoe, who lied to the officers, telling them that she saw Ruby attack people.

17           51. Eventually, the LAPD officers left Plaintiffs' residence, without issuing any  
18 citation or taking any further action.

19           52. Fortunately, Ruby survived the shooting, but her recovery took months, as she  
20 was not only physically injured, but emotionally scarred as well.

21           53. Ruby became very nervous and fearful for several months, but has since returned  
22 to her normal, friendly, docile self.

23           54. Cory searched for months for the bean bag projectile that was shot at Ruby from  
24 point blank range.

25           55. Cory found the bean bag on the roof of the back part of the garage, approximately  
26 sixty (60) feet away from where Ruby had been standing, after it flew over the house.

27           56. It is clear that the two LAPD officers had no plan whatsoever to address what  
28 they claimed was a report of a loose dog.



1           57. They did not have any equipment for containing a dog, nor did they contact LAAS  
2 for more than two (2) hours *after* they shot Ruby.

3           58. The LAPD officers had one objective – to hunt and shoot Ruby on her own  
4 property.

5           59. Since the invasion of their property and shooting of their dog, Ruby, by LAPD  
6 officers, Plaintiffs no longer feel safe in their home because they do not trust LAPD to “protect  
7 and serve” their interests.

8                           **FIRST CAUSE OF ACTION/CLAIM FOR RELIEF**

9                                   **Violation of 42 U.S.C. §1983**

10                                   **(Fourth Amendment to the United States Constitution)**

11           60. Plaintiffs repeat, re-allege and incorporate by reference all of the allegations in  
12 paragraphs 1 – 59 as if fully set forth herein.

13           61. 42 U.S.C. § 1983 was intended to create tort liability in cases involving violations  
14 of rights, privileges or immunities secured to people by the United States Constitution.

15           62. The purposes of 42 U.S.C. §1983 are to compensate victims for harm and to deter  
16 further unconstitutional acts under the law.

17           63. The Fourth Amendment to the United States Constitution guarantees people the  
18 right to be free from unreasonable searches and seizures of property.

19           64. There was nothing reasonable about the search of Plaintiffs’ property by LAPD  
20 officers:

- 21           a. LAPD officers knew, or should have known, that they had no valid authority or  
22 grounds to enter Plaintiffs’ property;
- 23           b. LAPD officers were acting under color of State law at the time they shot Ruby,  
24 who was on Plaintiffs’ property the entire time that LAPD was present;
- 25           c. LAPD officers had neither consent, nor a search warrant, to enter Plaintiffs’  
26 property;
- 27           d. At no time did LAPD officers seek or obtain consent to enter Plaintiffs’ property.



e. Nonetheless, officers entered Plaintiffs' property, whistling and calling to Ruby, to entice her out of the backyard so they could shoot her;

f. LAPD officers made no attempt to contact LAAS, the agency responsible for responding to calls related to animals, until hours after shooting Ruby.

65. LAPD officers violated Plaintiffs' Fourth Amendment rights when they entered onto Plaintiffs' property, conducted a warrantless search of the property, without consent, and shot Plaintiffs' dog after enticing her out of the backyard, and hunting her in Plaintiffs' driveway.

## **SECOND CAUSE OF ACTION/CLAIM FOR RELIEF**

### **Violation of 42 U.S.C. §1983**

#### **(Fourteenth Amendment to the United States Constitution)**

66. Plaintiffs repeat, re-allege and incorporate by reference all of the allegations in paragraphs 1 – 59 as if fully set forth herein.

67. §The Fourteenth Amendment to the United States Constitution guarantees the right of any person not to be deprived of life, liberty, or property by the State without due process of law.

68. When LAPD officers trespassed on Plaintiffs' property and shot the family dog, they were acting under color of State law.

69. LAPD officers caused considerable injury to Ruby, resulting in veterinary expenses to treat her, depriving Plaintiffs of money as well as time and effort to care for Ruby while she recovered from her injuries over subsequent months.

70. LAPD officers had no legal basis for entering Plaintiffs' property, nor did they have a basis for shooting and injuring Ruby, who was not "at large" at any time while officers were present and posed no threat to them.

71. Although LAPD officers did not succeed in killing Ruby, the injury they so viciously inflicted on her was devastating to her family and deprived them of a substantial sum of money without due process.

1           72. As law enforcement officers in California, LAPD officers took an oath of office  
2 that requires them to “support and defend the Constitution of the United States and the  
3 Constitution of the State of California against all enemies, foreign and domestic; that I will bear  
4 true faith and allegiance to the Constitution of the United States and the Constitution of the State  
5 of California”.

6           73. In fact, in its Mission Statement, LAPD states, “It is the mission of the Los  
7 Angeles Police Department *to safeguard the lives and property* of the people we serve, to *reduce*  
8 *the incidence of fear and crime*, and to enhance public safety while working with the diverse  
9 communities to improve their quality of life. Our mandate is to do so *with honor and integrity*,  
10 *while at all times, conducting ourselves with the highest ethical standards to maintain public*  
11 *confidence.*” [emphasis added].

12           74. LAPD officers failed to adhere to any part of the department’s mission statement  
13 in this case:

- 14           a. They seriously endangered the life of Plaintiffs’ dog, Ruby, and Plaintiffs  
15 themselves by discharging a shotgun toward Plaintiffs’ residence with no regard  
16 for public safety;
- 17           b. They increased Plaintiffs’ fear by demonstrating their reckless disregard for  
18 Plaintiffs, their child, and their dog, Ruby;
- 19           c. They did not conduct themselves with “honor and integrity” or with “the highest  
20 ethical standards. In fact, they acted dishonorably, observing no ethical standards,  
21 first by shooting Ruby, then taunting Cory and making unprofessional and  
22 childish remarks and thinly veiled threats to him for nearly half an hour after  
23 shooting Ruby.

24           75. LAPD officers failed to act with even minimal care to ensure that Plaintiffs and  
25 their property were not harmed by their conduct.

26           76. LAPD officers failed to even adhere to even the agency’s stated mission and core  
27 values when they intentionally and knowingly entered Plaintiffs’ property and shot the family  
28

1 dog without considering any other plan of action, including calling animal control (LAAS), the  
2 city agency that is specifically tasked with handling animal related complaints.

3 77. In this instance, acting under color of State law, two LAPD officers illegally  
4 entered Plaintiffs' property without any warning or consent, and shot Plaintiffs' dog, Ruby.

5 78. There were indicia that Plaintiffs were home at the time, e.g., two cars in the  
6 driveway, front windows open, from which a reasonable person would have understood that the  
7 residents were present on the property.

8 79. Nonetheless, the LAPD officers were undaunted by the evidence before them,  
9 and recklessly proceeded onto Plaintiffs' property, and immediately shot Ruby in the face,  
10 without any provocation and without making any attempt to communicate with Plaintiffs before  
11 shooting her.

12 80. The conduct of the LAPD officers was appalling and extremely dangerous,  
13 indicating little to no regard for the safety of Plaintiffs, their dog, Ruby, or the public at large.

14 81. The unprovoked, unwarranted shooting of Ruby was the sole cause of injury to  
15 Ruby.

16 82. As a direct result of the conduct of LAPD officers, Plaintiffs remain fearful of  
17 LAPD and do not feel like LAPD officers will protect them or their property in case of an  
18 emergency, because they have demonstrated that they will not.

19 83. As a direct result of the conduct of LAPD officers, Plaintiffs continue to suffer  
20 from nightmares, flashbacks, and increased fear and anxiety that she did not have prior to the  
21 reckless shooting of Ruby.

22 84. LAPD officers violated Plaintiffs' Fourteenth Amendment rights when they  
23 intentionally trespassed on Plaintiffs' property, shot and injured their dog, Ruby, and deprived  
24 them of their money in veterinary expenses, without due process.

### 25 **THIRD CAUSE OF ACTION/CLAIM FOR RELIEF**

#### 26 **Violation of California Constitution Art. 1, Sections 7 and 13**

27 85. Plaintiffs repeat, re-allege, and incorporate by reference all of the allegations in  
28 paragraphs 1- 59 as if fully set forth herein.

86. The California Constitution, in section 7 of Article 1, prohibits the deprivation of life, liberty, or property by State actors, without due process.


87. The California Constitution, in section 13 of Article 1, prohibits unreasonable search and seizure of property without a search warrant.

88. Defendant City of Los Angeles, through LAPD, has deprived Plaintiffs of their property during an unreasonable search and seizure of Plaintiffs' property, as set forth *supra*.

WHEREFORE, Plaintiffs pray for relief as set forth below:

1. Actual damages, statutory damages, punitive damages, and such other relief as provided by applicable statutes;
2. The costs of bringing this suit, including attorneys' fees pursuant to 42 U.S.C. §1988, California Code of Civil Procedure §1021.5, or other statute; and
3. All other relief to which Plaintiffs may be entitled in law or equity.
4. Such other relief as this Court deems just, proper, and equitable.

Respectfully Submitted,

By:  \_\_\_\_\_  
Marla Tauscher,  
*Attorney for Plaintiffs Cory Lennon  
and Mollie Flanigan*